

Remarks

This communication is considered fully responsive to the Office Action. Claims 1-29 were examined. Claims 1-29 stand rejected. Claim 28 is amended. No claims are canceled. No new claims have been added. Reexamination and reconsideration of the pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. 102(b)

The Office Action rejected claims 28 and 29 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,148,922 to Shimada ("Shimada"). Applicant respectfully traverses this rejection.

Claim 28 is amended to recite "determining a differential image contribution as a difference between a strobed image data and a nonstrobed image data" and "combining the differential image contribution to the nonstrobed image white balance compensated using the second white balance compensation value" (emphasis added). Shimada fails to disclose at least these recitations.

The Office Action cites to col. 7, lines 10-12 and 22-30 as disclosing the difference between strobed image data and nonstrobed image data. Although Shimada discloses comparing steady light rays to strobe light rays and then defining block areas corresponding to both, there is no teaching or suggestion of determining a differential image contribution.

The Office Action also cites to col. 7, lines 52-53 in Shimada as disclosing these recitations. Shimada states "When the first and second white balance adjustments are set

in the steps S11 and S12, a series of processing is ended.” There is no teaching or suggestion here of combining any image data, much less combining the difference to the nonstrobed image white balance compensated using the second white balance compensation value.

Moreover, Shimada discloses extracting separate block areas on an image corresponding to a first white balance area and a second white balance area, and then subjecting the distinct areas to an separate adjustments for the respective block areas. See, e.g., Figures 6a-c and the corresponding discussion at col. 11, lines 45-53. This is fundamentally different than combining the difference to the nonstrobed image white balance compensated using the second white balance compensation value. See, e.g., Applicant’s Figure 2, wherein the difference is shown in (D) being combined with the nonstrobed image white balance compensated using the second white balance compensation value (E) to produce the image (F). If after understanding this distinction, the Examiner still believes additional clarification is needed in the claim, Applicant respectfully requests the Examiner to telephone the below-listed attorney so that consideration may be given to a possible Examiner’s Amendment which would put the claims in condition for allowance.

For at least the foregoing reasons claim 28 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 28.

Claim 29 depends from claim 28, which is believed to be allowable. Therefore, claim 29 is also believed to be allowable for at least the same reasons as claim 28. In

addition, claim 29 recites “generating the nonstrobed image data from the strobed image.” The Office Action relies on col. 7, lines 7-8, lines 63-67, and col. 8, lines 1-4 in Shimada as disclosing these recitations. Shimada at col. 7, lines 7-8 discloses “steady image data obtained from the steady light rays is acquired prior to the pre-flash.” Col. 7, line 63 to col. 8, line 4 discloses acquiring image data exposed to a steady light image. However, none of these discussions teach or suggest generating nonstrobed image data from the strobed image. Withdrawal of the rejection of claim 29 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) - Shimada

The Office Action rejected claims 1-3, 5-13, 17-23, and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Shimada. Applicant respectfully traverses this rejection.

Independent claims 1, 6, 25, and 27 are believed to be allowable for the same reasons discussed above for claim 28. Applicant respectfully requests withdrawal of the rejection of claims 1, 6, 25, and 27.

Each of the dependent claims is believed to be allowable for at least the same reasons as the respective independent claims. Claim 10 is also believed to be allowable for at least the same reasons discussed above for claim 29. Withdrawal of the rejection of the dependent claims is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) – Shimada and Udagawa

The Office Action rejected claims 16 and 24 under 35 U.S.C. 103(a) as being unpatentable over Shimada in view of U.S. Patent No. 6,982,753 to Udagawa (“Udagawa”). Applicant respectfully traverses this rejection.

Claims 16 and 24 depends from claim 6, which is believed to be allowable. Therefore, claims 16 and 24 are also believed to be allowable for at least the same reasons as claim 6. Withdrawal of the rejection of claims 16 and 24 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) – Shimada and Larkin

The Office Action rejected claims 4 under 35 U.S.C. 103(a) as being unpatentable over Shimada in view of U.S. Patent No. 6,029,013 to Larkin, et al. (“Larkin”). Applicant respectfully traverses this rejection.

Claim 4 depends from claim 1, which is believed to be allowable. Therefore, claim 4 is also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claim 4 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) – Shimada and Battles

The Office Action rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Shimada in view of U.S. Patent No. 6,839,513 to Battles (“Battles”). Applicant respectfully traverses this rejection.

Claim 14 depends from claim 6, which is believed to be allowable. Therefore, claim 14 is also believed to be allowable for at least the same reasons as claim 6.

In addition, claim 14 recites “wherein the step of capturing further comprises the steps of: first capturing the strobed image; and then capturing the nonstrobed image.” The Office Action cites to col. 1, lines 37-40 which states “[a] camera takes two photographs for a single actuation of its shutter release. One of the photographs uses the camera settings specified by the user, and the other photograph uses camera settings automatically selected by the camera.” The Office Action also cites to col. 3, lines 1-10 which is a generic discussion of a flash unit for a camera. However, there is no teaching or suggestion of first capturing the strobed image and then capturing the nonstrobed image. Furthermore, the Examiner’s reasoning for combining Battles with the teachings of Shimada that “[i]t is possible that the first photo is taken with strobe set on manually whereas the second one is taken with strobe set off automatically by the camera” is pure conjecture and not supported by anything in the reference.

Withdrawal of the rejection of claim 14 is respectfully requested.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

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By: _____

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